IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 238 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANOJ H LALA

Versus

GUJARAT WATER RESOURCES DEVELOPMENT CORPORATION

Appearance:

1. Special Civil Application No. 238 of 1989

MR KR KOSHTI for Petitioner No. 1

MR PARESH UPADHYAY for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 30/06/2004

ORAL JUDGEMENT

By filing this petition, the petitioner has prayed that the respondent be directed to give selection grade to the petitioner in the appropriate pay-scale on

and with effect from 30th June, 1976.

2) The selection grade was granted to the petitioner with effect from 1-1-1987 and at that time, the petitioner had accepted the said benefit of selection grade but thereafter, the petitioner started making grievance that the selection grade should have been given to him from an earlier date, i.e. from 30th June, 1976 and not from 1-1-1987. During the course of the hearing, it has been pointed out to the Court by both sides that, subsequently, the petitioner gave up his benefit of selection grade, as he was given benefit of higher pay scale on completion of nine years' service. As pointed out by Mr.Koshti, learned advocate for the petitioner, while giving benefit of higher grade, the selection grade given to the petitioner from 1987 was withdrawn, and the amount of selection grade was also recovered. Accordingly, now the petitioner is already given the benefit of higher grade on completion of nine years' service and, therefore, there is no question of giving the benefit of selection grade, much less the benefit with retrospective effect.

3) Earlier, the petitioner has filed Special Civil Application No.1735/2001, wherein the petitioner has prayed that he should have been given the benefit of second higher grade pay scale on completion of 18 years' service. However, the learned Single Judge of this Court has negatived the claim of the petitioner.

4) Considering the aforesaid subsequent development, i.e., granting of higher pay scale to the petitioner and considering the fact that, at the relevant time, the petitioner had already accepted the selection grade from a particular date without any protest, there is no question of giving any relief to the petitioner in this petition. Aforesaid factual aspect is not disputed by the learned advocate for the petitioner. Under these circumstances, this petition deserves to be dismissed and it is dismissed. Rule is discharged. No costs.

(P.B.Majmudar,J.)
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